

Service Date: April 20, 1994

FINAL ORDER NO. 6295
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Western Powders,)	
Inc., Miles City, Montana, the applica-)	Docket No. T-94.17.PCN
tion for a Montana Intrastate)	Order No. 6295
Certificate of Public Convenience and)	
Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On February 25, 1994, Western Powders, Inc., P.O. Box 158, Miles City, MT 59301, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Explosives and the materials or supplies used for the manufacture and distribution thereof between all points and places in Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1994. That notice said in pertinent part:

If no written protests are received by March 27, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. A protest was filed by Dixon Bros., Inc., Newcastle, Wyoming. That protest was withdrawn after Applicant restrictively amended the application to prohibit the transportation of commodities in bulk.

4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 11th day of April, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.17.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Western Powders, Inc., Miles City, Montana** for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Explosives and the materials or supplies used for the manufacture and distribution thereof between all points and places in Montana. Limitations: Transportation of commodities in bulk is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 11th day of April, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCaffree, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.
A motion to reconsider must be filed within ten (10) days. See 38.2.4806,
ARM.